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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,012	05/30/2000	Ming U. Chang	PD-200031	9856

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EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/584,012

Applicant(s)

CHANG ET AL.

Examiner

Charles R. Craver

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6-9, 14, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naidu et al in view of Kao, both of record.

Claims 1 and 7, 8 and 9, 16: Naidu discloses a simulcast mobile wireless communication system, comprising a plurality of individual transponding nodes and a central hub such that a downlink signal processed by said central hub is processed so that it is radiated using a plurality of radiated signals with compensating time delays to the plurality of said individual transponding nodes (col 5 lines 14-59), and a plurality of mobile terminals for receiving radiated signals from each of said nodes simultaneously so that the signals are added coherently (inherent in a simulcast system, col 2 lines 35-65) and for creating a return signal to the nodes wherein the central hub processes the received signals from the nodes to compensate for path differentials (col 6 lines 29-45).

Naidu fails to disclose that the hub radiates the signals to the nodes, that is, that the connection between the hub and the nodes is wireless.

Kao discloses the utility of connecting a BSC 8 such as that taught by Schmidt to a BTS 7 using a wireless connection (col 4 line 45-col 5 line 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Naidu in such a way, as it would overcome conventional system limitations, as suggested by Kao, col 4 lines 40-42.

Claims 16, 4, 14: Kao discloses transmission towers (cellular). **Claim 6:** the system of Naidu inherently excludes other users from in-phase reception if they are at a different location. **Claims 17 and 18:** Naidu in view of Kao would provide towers.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naidu in view of Kao as applied to claim 1 above, and further in view of Christian et al, US Pat 5,361,398, newly cited.

While disclosing the invention of claim 1 above, Naidu in view of Kao fails to disclose satellites, however, Christian discloses the utility of using a loop-delay measuring system like that taught by Naidu to a satellite system (col 5 lines 5-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Naidu in view of Kao as it would allow the use of known technologies, see Christian col 5 lines 29-42. **Regarding claim 3,** the satellite above reads a high-altitude platform.

Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naidu in view of Kao as applied to claim 8 above, and further in view of Christian.

Please see the rejection of claims 2 and 3 above.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naidu in view of Kao as applied to claim 1 above, and further in view of Ibanez-Meier, of record.

While disclosing applicant's invention of claim 1 above, Naidu in view of Kao fails to disclose a balloon.

Ibanez-Meier discloses that terrestrial systems such as that taught by the combined invention of Naidu in view of Kao can also apply to a satellite system in some situations (col 1 lines 22-57), and further benefit from the use of balloons or airplanes/airships (high altitude platforms) as well (col 3 line 66-col 4 line 40, col 6 line 66-col 7 line 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Naidu in view of Kao, as Ibanez-Meier discloses that such a modification can be cost-effective at providing wide system coverage (col 2 lines 27-40, col 3 line 66-col 4 line 6).

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naidu in view of Kao as applied to claim 8 above, and further in view of Ibanez-Meier, of record.

Please see the rejection of claim 5 above.

Response to Arguments

Applicant's arguments filed 3-28-05 have been fully considered but they are not persuasive.

While the examiner agrees with applicant's assertion of differences between the *Naidu* reference and the invention disclosed in applicant's disclosure, the claims in the instant invention are broad such that *Naidu* may be properly construed as teaching the instant claims. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As to the use of delay, *Naidu* discloses that each antenna may transmit with a differing calculated delay as taught in col 5 lines 14-59, and also the setting of delay parameters for the return path as taught in col 6 lines 29-45.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2682

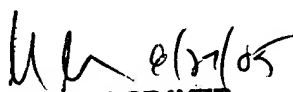
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Craver whose telephone number is 571-272-7849. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cc
June 27, 2005


CHARLES CRAVER
PRIMARY EXAMINER